

105TH CONGRESS  
1ST SESSION

# H. R. 2455

To reform the safety practices of the railroad industry, to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 1997

Mr. OBERSTAR (for himself, Mr. WISE, Mr. VENTO, Mr. LIPINSKI, Mr. TRAFICANT, Mr. DEFazio, Mr. COSTELLO, Mr. CLYBURN, Mr. FILNER, Ms. MILLENDER-McDONALD, Mr. HOLDEN, and Mr. LAMPSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To reform the safety practices of the railroad industry, to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Railroad Safety Reform Act of 1997”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

#### TITLE I—SAFETY RULEMAKING AND ENFORCEMENT

Sec. 101. Purpose.

- Sec. 102. Railroad safety conference.
- Sec. 103. Rulemaking status reports.
- Sec. 104. Power brake safety rulemaking.
- Sec. 105. Track safety standards rulemaking.
- Sec. 106. Rulemaking process.
- Sec. 107. Safety inspectors.
- Sec. 108. Employee reports.
- Sec. 109. Accident and injury reporting.

#### TITLE II—GRADE CROSSING SAFETY

- Sec. 201. Toll-free number to report grade crossing problems.
- Sec. 202. Grade crossing signal violations.

#### TITLE III—HOURS OF SERVICE

- Sec. 301. Limitations on duty hours of train employees.
- Sec. 302. Split shifts.
- Sec. 303. Limitations on duty hours of signal employees.
- Sec. 304. Employee sleeping quarters.
- Sec. 305. Rotating shifts.
- Sec. 306. Train dispatchers.
- Sec. 307. Fatigue management plans.
- Sec. 308. Recommendations on hours of service changes.

#### TITLE IV—PASSENGER SERVICE SAFETY STANDARDS

- Sec. 401. Emergency windows and doors.
- Sec. 402. Passenger railroad signal systems.
- Sec. 403. Passenger locomotive fuel tanks.
- Sec. 404. Passenger car crashworthiness.
- Sec. 405. Positive train control.

#### TITLE V—EMPLOYEE AUTHORITY, CERTIFICATION, AND EQUIPMENT

- Sec. 501. Employee response to hazardous conditions.
- Sec. 502. Certification of locomotive engineers and other safety-related railroad personnel.
- Sec. 503. Communications devices.

## 1 **TITLE I—SAFETY RULEMAKING** 2 **AND ENFORCEMENT**

### 3 **SEC. 101. PURPOSE.**

4 Section 20101 of title 49, United States Code, is  
5 amended to read as follows:

#### 6 **“§ 20101. Purpose**

7 “The purpose of this part is to assign and maintain  
8 safety as the highest priority in every area of railroad op-

1 erations and to reduce railroad-related accidents and inci-  
2 dents.”.

3 **SEC. 102. RAILROAD SAFETY CONFERENCE.**

4 (a) IN GENERAL.—The Secretary of Transportation  
5 shall convene, within 6 months after the date of the enact-  
6 ment of this Act and annually thereafter, a conference to  
7 determine what are the most important actions needed to  
8 improve the safety of railroad operations. Each such con-  
9 ference shall provide an opportunity for the participants  
10 to present their views, respond to the views of other par-  
11 ticipants, and discuss railroad safety issues with other  
12 participants so that a consensus can be reached.

13 (b) PARTICIPANTS.—Each conference convened pur-  
14 suant to subsection (a) shall include as participants, at  
15 a minimum, appropriate representatives of the Depart-  
16 ment of Transportation, railroad management, railroad  
17 labor, railroad passengers, railroad equipment suppliers,  
18 and railroad shippers, as well as individuals representing  
19 community interests.

20 (c) REPORT TO CONGRESS.—The Secretary of Trans-  
21 portation shall, within 3 months after the completion of  
22 a conference convened pursuant to subsection (a), trans-  
23 mit to the Congress a report summarizing the results of  
24 the conference.

1 **SEC. 103. RULEMAKING STATUS REPORTS.**

2 (a) REQUIREMENT.—The Administrator of the Fed-  
3 eral Railroad Administration shall report once each month  
4 to the Committee on Transportation and Infrastructure  
5 of the House of Representatives and to the Committee on  
6 Commerce, Science, and Transportation of the Senate on  
7 the status of the Federal Railroad Administration’s safety-  
8 related—

9 (1) rulemakings, whether specifically required  
10 by statute or initiated by the Secretary or the Fed-  
11 eral Railroad Administrator under general statutory  
12 authority; and

13 (2) reports, including reports required by stat-  
14 ute and any other reports intended for publication.

15 (b) CONTENTS.—A report required by subsection (a)  
16 shall discuss the progress of the Federal Railroad Admin-  
17 istration in completing those rulemakings and reports, in-  
18 cluding achieved and expected dates of completing various  
19 phases of the rulemakings and reports. In the case of  
20 rulemakings and reports required by law, these dates shall  
21 be compared with the dates required by law, and the re-  
22 port required by subsection (a) shall explain the failure  
23 to meet any rulemaking or reporting deadlines established  
24 by law. The report shall also discuss the extent to which  
25 any review or approval of the rulemaking or report, that  
26 is required by law or otherwise to be performed by a Fed-

1 eral official, has been completed. The report may also dis-  
2 cuss any other topics that the Administrator considers rel-  
3 evant to the Federal Railroad Administration's railroad  
4 safety program.

5 **SEC. 104. POWER BRAKE SAFETY RULEMAKING.**

6 If the Secretary of Transportation has not, before the  
7 date which is one year after the date of the enactment  
8 of this Act, issued all final regulations relating to the safe-  
9 ty of railroad power brakes required under section 20141  
10 of title 49, United States Code, then on the date which  
11 is one year after the date of the enactment of this Act  
12 the proposed rules published on September 16, 1994 (59  
13 Fed. Reg. 47676–47753) that relate to any subject on  
14 which the Secretary has not issued final regulations shall  
15 take effect as final rules.

16 **SEC. 105. TRACK SAFETY STANDARDS RULEMAKING.**

17 Section 20142 of title 49, United States Code, is  
18 amended—

19 (1) in subsection (b), by striking “Not later  
20 than September 3, 1995” and inserting in lieu there-  
21 of “Before the date which is one year after the date  
22 of the enactment of the Railroad Safety Reform Act  
23 of 1997”; and

24 (2) by adding at the end the following new sub-  
25 sections:

1       “(e) CONTINGENT STANDARDS.—If the Secretary  
2 has not, before the date which is one year after the date  
3 of the enactment of the Railroad Safety Reform Act of  
4 1997, issued all final regulations relating to track safety  
5 required under subsection (b), then on the date which is  
6 one year after the date of the enactment of this Act the  
7 proposed rules published on July 3, 1997 (62 Fed. Reg.  
8 36137–36189) that relate to any subject on which the Sec-  
9 retary has not issued final rules shall take effect as final  
10 rules.

11       “(f) ADDITIONAL STANDARDS.—In addition to the  
12 other requirements of this section, the following require-  
13 ments shall also apply:

14               “(1) No track inspection shall be conducted  
15 from a vehicle traveling at a speed of more than 15  
16 miles per hour.

17               “(2) Except with respect to excepted track, as  
18 defined by the Secretary, any owner of track, that  
19 is part of the general railroad system of transpor-  
20 tation and that does not comply with track safety  
21 regulations issued by the Secretary, shall—

22                       “(A) bring the track into compliance;

23                       “(B) halt operations over the track; or

24                       “(C) permit operation over the track—

1 “(i) only in the presence of and under  
2 the supervision of a qualified person, as  
3 defined by the Secretary; and

4 “(ii) only if such operations are deter-  
5 mined by such qualified person to be safe.

6 The occurrence of a violation of this subsection  
7 shall be determined without regard to whether  
8 the owner knows or has notice that the track  
9 does not comply with track safety regulations.

10 “(3) Each track owner with track constructed  
11 of continuous welded rail shall have in effect and  
12 comply with written procedures approved by the Sec-  
13 retary which address the installation, adjustment,  
14 maintenance, and inspection of continuous welded  
15 rail, and shall have in effect a training program for  
16 the application of those procedures.

17 “(4) Each switch on track for which the Sec-  
18 retary has established a speed limit that is—

19 “(A) higher than 25 miles per hour for  
20 freight trains; or

21 “(B) higher than 30 miles per hour for  
22 passenger trains,

23 and that is used more often than once a month shall  
24 be operated to all of its positions during one inspec-  
25 tion per month.

1       “(g) MAINTENANCE-OF-WAY EQUIPMENT.—(1) All  
 2 track motor vehicles, self-propelled maintenance-of-way  
 3 equipment, and other equipment which is designed with  
 4 a wheeled carriage allowing the equipment to move along  
 5 a railroad track shall be designed and maintained so as  
 6 to conduct electrical current from one rail of the track to  
 7 the other, enabling the activation of signal systems de-  
 8 signed to detect the presence of locomotives, cars, trains,  
 9 and other rolling equipment on the track.

10       “(2) All roadway work groups and lone roadway  
 11 workers, as such terms are defined in section 20154(c),  
 12 when working in a classification yard, shall be equipped  
 13 with portable equipment permitting the motion of freely  
 14 rolling railroad cars to be automatically arrested.

15       “(h) EFFECTIVE DATE.—Subsections (f) and (g)  
 16 shall take effect on January 1, 1998.”.

17 **SEC. 106. RULEMAKING PROCESS.**

18       (a) AMENDMENT.—Subchapter I of chapter 201 of  
 19 title 49, United States Code, is amended by inserting after  
 20 section 20115 the following new section:

21 **“§ 20116. Rulemaking process**

22       “(a) RULES PROPOSED BY RAILROAD SAFETY ADVI-  
 23 SORY COMMITTEE.—A rule that has been proposed unani-  
 24 mously by the Railroad Safety Advisory Committee shall  
 25 be issued as a proposed rule by the Secretary without



1 preparation of a regulatory analysis, regulatory evalua-  
 2 tion, or any other assessment of the costs or benefits of  
 3 the proposed rule, and without soliciting the approval or  
 4 comment of any person outside the Department of Trans-  
 5 portation.

6 “(b) INCORPORATION BY REFERENCE.—No rule or  
 7 order issued by the Secretary under this part shall be ef-  
 8 fective if it incorporates by reference a code, rule, stand-  
 9 ard, requirement, or practice issued by an association or  
 10 other entity that is not an agency of the Federal Govern-  
 11 ment, unless that reference is to a particular code, rule,  
 12 standard, requirement, or practice adopted before the date  
 13 on which the rule is issued by the Secretary, and unless  
 14 the date on which the code, rule, standard, requirement,  
 15 or practice was adopted is specifically cited in the rule.”.

16 (b) CONFORMING AMENDMENT.—The table of sec-  
 17 tions for subchapter I of chapter 201 of title 49, United  
 18 States Code, is amended by adding after the item relating  
 19 to section 20115 the following new item:

“20116. Rulemaking process.”.

20 **SEC. 107. SAFETY INSPECTORS.**

21 Section 20115 of title 49, United States Code, is  
 22 amended—

23 (1) in subsection (a), by striking “subject to  
 24 this chapter” and inserting in lieu thereof “subject  
 25 to this part”;

1           (2) by amending subsection (a)(1) to read as  
2 follows:

3           “(1) shall cover the costs of providing 400 rail-  
4 road safety inspectors in addition to those already  
5 employed by the Federal Railroad Administration as  
6 of October 1, 1996;”;

7           (3) in subsection (c)(2), by striking “only to  
8 carry out this chapter” and inserting in lieu thereof  
9 “only for the purposes described in subsection  
10 (a)(1)”;

11          (4) in subsection (c)(3), by striking “of activi-  
12 ties under” and all that follows through “financed  
13 by the fees” and inserting in lieu thereof “described  
14 in subsection (a)(1)”;

15          (5) in subsection (d)(1), by striking “90 days  
16 after the end of each fiscal year in which fees are  
17 collected under this section” and inserting in lieu  
18 thereof “180 days after the end of fiscal year 2000,  
19 and every 3 years thereafter”;

20          (6) in subsection (d)(1)(A), by striking “that  
21 fiscal year” and inserting in lieu thereof “the 3 pre-  
22 vious fiscal years”;

23          (7) in subsection (d)(2), by striking “for a fis-  
24 cal year”; and

25          (8) by striking subsection (e).

1 **SEC. 108. EMPLOYEE REPORTS.**

2 Section 20901(a) of title 49, United States Code, is  
3 amended—

4 (1) by striking “the carrier’s operations” and  
5 inserting in lieu thereof “the operations of the car-  
6 rier or of any contractor to the carrier working on  
7 the carrier’s property or operating the carrier’s  
8 equipment”; and

9 (2) by inserting “The report shall also include  
10 copies of any written safety-related complaint or re-  
11 port filed with the carrier by an employee or con-  
12 tractor during the month, whether or not the com-  
13 plaint or report relates to a reported accident or in-  
14 cident.” after “contributed to the accident or inci-  
15 dent.”.

16 **SEC. 109. ACCIDENT AND INJURY REPORTING.**

17 (a) DISCHARGE AND DISCRIMINATION PROTEC-  
18 TION.—Section 20109 of title 49, United States Code, is  
19 amended—

20 (1) by redesignating subsections (c), (d), and  
21 (e) as subsections (d), (e), and (f), respectively; and

22 (2) by inserting after subsection (b) the follow-  
23 ing new subsection:

24 “(c) ACCIDENT AND INJURY INFORMATION.—A rail-  
25 road carrier engaged in interstate or foreign commerce,  
26 and an employee of such a railroad carrier, shall not—

1           “(1) by threat, intimidation, or otherwise at-  
2       tempt to prevent an employee from furnishing infor-  
3       mation; or

4           “(2) discharge, discipline, or discriminate  
5       against an employee because the employee has fur-  
6       nished information,  
7       to any party as to the facts relating to any accident or  
8       incident resulting in injury or death to an individual or  
9       damage to property occurring in connection with railroad  
10      transportation.”.

11      (b) PENALTIES.—

12           (1) CIVIL PENALTIES.—Section 21302(a)(1) of  
13      title 49, United States Code, is amended by striking  
14      “a regulation prescribed or order issued under chap-  
15      ter 201 of this title” and inserting in lieu thereof  
16      “chapter 201 of this title or a regulation prescribed  
17      or order issued under chapter 201”.

18           (2) CRIMINAL PENALTIES.—Section 21311(a)  
19      of title 49, United States Code, is amended—

20           (A) by striking “or” at the end of para-  
21      graph (4);

22           (B) by striking the period at the end of  
23      paragraph (5) and inserting in lieu thereof “;  
24      or”; and

1 (C) by adding at the end the following new  
2 paragraph:

3 “(6) violates section 20109(c).”.

4 (c) AUDITS.—Section 20901 of title 49, United  
5 States Code, is amended by adding at the end the follow-  
6 ing new subsection:

7 “(c) AUDITS.—A railroad carrier shall at least annu-  
8 ally have an audit conducted of the process by which it  
9 reports accidents and incidents pursuant to subsection (a).  
10 The audit shall determine whether the reporting process  
11 is substantially accurate as to the numbers and severity  
12 of accidents and incidents. The audit shall be conducted  
13 by an independent auditor approved by the Secretary.”.

## 14 **TITLE II—GRADE CROSSING** 15 **SAFETY**

### 16 **SEC. 201. TOLL-FREE NUMBER TO REPORT GRADE CROSS-** 17 **ING PROBLEMS.**

18 Section 20152 of title 49, United States Code, is  
19 amended to read as follows:

#### 20 **“§ 20152. Emergency notification of grade crossing** 21 **problems**

22 “By January 1, 1999, each railroad carrier shall—  
23 “(1) establish and maintain a toll-free telephone  
24 service, for rights-of-way over which it dispatches  
25 trains, to directly receive calls reporting—

1           “(A) malfunctions of signals, crossing  
2           gates, and other devices to promote safety at  
3           the grade crossing of railroad tracks on those  
4           rights-of-way and public or private roads; and

5           “(B) disabled vehicles blocking railroad  
6           tracks at such grade crossings;

7           “(2) upon receiving a report of a malfunction or  
8           disabled vehicle pursuant to paragraph (1), imme-  
9           diately contact trains operating near the grade  
10          crossing to warn them of the malfunction or disabled  
11          vehicle;

12          “(3) upon receiving a report of a malfunction or  
13          disabled vehicle pursuant to paragraph (1), and  
14          after contacting trains pursuant to paragraph (2),  
15          contact appropriate public safety officials having ju-  
16          risdiction over the grade crossing to provide them  
17          with the information necessary for them to direct  
18          traffic, assist in the removal of the disabled vehicle,  
19          or carry out other activities appropriate to respond-  
20          ing to the hazardous circumstance; and

21          “(4) ensure the placement at each grade cross-  
22          ing on rights-of-way that it owns of appropriately lo-  
23          cated signs, on which shall appear—

24                 “(A) a toll-free telephone number to be  
25                 used for placing calls described in paragraph

1 (1) to the railroad carrier dispatching trains on  
 2 that right-of-way;

3 “(B) an explanation of the purpose of that  
 4 toll-free number as described in paragraph (1);

5 “(C) the grade crossing number assigned  
 6 for that crossing by the National Highway-Rail  
 7 Crossing Inventory established by the Depart-  
 8 ment of Transportation and the Association of  
 9 American Railroads; and

10 “(D) a statement that reporting a disabled  
 11 vehicle blocking the railroad tracks should be  
 12 done immediately, before any attempt is made  
 13 to remove the vehicle from the tracks.

14 The Secretary of Transportation shall implement this sec-  
 15 tion through appropriate regulations.”.

16 **SEC. 202. GRADE CROSSING SIGNAL VIOLATIONS.**

17 (a) AMENDMENTS.—Section 20151 of title 49, Unit-  
 18 ed States Code, is amended—

19 (1) by amending the section heading to read as  
 20 follows:

21 **“§ 20151. Railroad trespassing, vandalism, and signal**  
 22 **violation prevention strategy”;**

23 (2) in subsection (a)—

24 (A) by striking “and vandalism affecting  
 25 railroad safety” and inserting in lieu thereof “,

1 vandalism affecting railroad safety, and viola-  
2 tions of grade crossing signals”;

3 (B) by inserting “, concerning trespassing  
4 and vandalism,” after “such evaluation and re-  
5 view”; and

6 (C) by inserting “The second such evalua-  
7 tion and review, concerning violations of grade  
8 crossing signals, shall be completed before No-  
9 vember 2, 1998.” after “November 2, 1994.”;

10 (3) in the subsection heading of subsection (b),  
11 by inserting “FOR TRESPASSING AND VANDALISM  
12 PREVENTION” after “OUTREACH PROGRAM”;

13 (4) in subsection (c)—

14 (A) by redesignating paragraphs (1) and  
15 (2) as subparagraphs (A) and (B), respectively;

16 (B) by inserting “(1)” after “MODEL LEG-  
17 ISLATION.—”; and

18 (C) by adding at the end the following new  
19 paragraph:

20 “(2) Within 18 months after the date of the enact-  
21 ment of the Railroad Safety Reform Act of 1997, the Sec-  
22 retary, after consultation with State and local govern-  
23 ments and railroad carriers, shall develop and make avail-  
24 able to State and local governments model State legisla-



1 tion providing for civil or criminal penalties, or both, for  
 2 violations of grade crossing signals.”; and

3 (5) by adding at the end the following new sub-  
 4 section:

5 “(d) DEFINITION.—For purposes of this section, the  
 6 term ‘violation of grade crossing signals’ includes any ac-  
 7 tion by a motorist, unless directed by an authorized safety  
 8 officer—

9 “(1) to drive around a grade crossing gate in  
 10 a position intended to block passage over railroad  
 11 tracks;

12 “(2) to drive through a flashing grade crossing  
 13 signal;

14 “(3) to drive through a grade crossing with pas-  
 15 sive warning signs without ensuring that the grade  
 16 crossing could be safely crossed before any train ar-  
 17 rived; and

18 “(4) in the vicinity of a grade crossing, that  
 19 creates a hazard of an accident involving injury or  
 20 property damage at the grade crossing.”.

21 (b) CONFORMING AMENDMENT.—The item relating  
 22 to section 20151 in the table of sections for subchapter  
 23 II of chapter 201 of title 49, United States Code, is  
 24 amended to read as follows:

“20151. Railroad trespassing, vandalism, and signal violation prevention strat-  
 egy.”.

1     **TITLE III—HOURS OF SERVICE**

2     **SEC. 301. LIMITATIONS ON DUTY HOURS OF TRAIN**  
3             **EMPLOYEES.**

4             (a) GENERAL RULES.—Section 21103(a) of title 49,  
5     United States Code, is amended by striking paragraphs  
6     (1) and (2) and inserting in lieu thereof the following new  
7     paragraphs:

8             “(1) unless that employee has had at least 8  
9             consecutive hours of undisturbed rest off duty dur-  
10            ing the prior 24 hours;

11            “(2) for a period in excess of 12 consecutive  
12            hours;

13            “(3) after that employee has been on duty for  
14            10 or more consecutive hours, unless that employee  
15            immediately after being released from such period of  
16            duty has at least 10 consecutive hours off duty;

17            “(4) unless that employee has received notice at  
18            least 8 hours before beginning such duty;

19            “(5) unless that employee has had at least one  
20            period of at least 24 consecutive hours off duty in  
21            the past 7 days; and

22            “(6) unless, when last released from duty at  
23            that employee’s home terminal, the employee had as  
24            much time off duty at the employee’s home terminal

1 as the employee most recently had off duty at the  
 2 employee's away-from-home designated terminal.”.

3 (b) TIME WAITING FOR DEADHEAD TRANSPOR-  
 4 TATION.—Section 21103(b)(4) of title 49, United States  
 5 Code, is amended by inserting “or waiting on a train, with  
 6 assigned duties, for deadhead transportation from a duty  
 7 assignment” after “to a duty assignment”.

8 (c) DEFINITION OF UNDISTURBED REST.—Section  
 9 21101 of title 49, United States Code, is amended by add-  
 10 ing at the end the following new paragraph:

11 “(6) ‘undisturbed rest’ means a period during  
 12 which an employee receives no communication from  
 13 the employing railroad carrier and its officers and  
 14 agents.”.

15 **SEC. 302. SPLIT SHIFTS.**

16 Section 21103 of title 49, United States Code, is  
 17 amended by adding at the end the following new sub-  
 18 section:

19 “(d) SPLIT SHIFTS.—(1) A railroad carrier and its  
 20 officers and agents may require a train employee to work  
 21 a split shift only if the split shift begins between 12:01  
 22 a.m. and 11:59 a.m. and ends before 2:00 a.m. on the  
 23 day following the day on which the shift begins.

24 “(2) For purposes of this subsection, the term ‘split  
 25 shift’ means a tour of duty in which an employee, having

1 just completed a rest period of at least 8 hours, reports  
 2 for duty, works an initial work period, has an interim pe-  
 3 riod for rest of at least 4 hours but less than 8 hours  
 4 at the employee's designated terminal, and then works one  
 5 or more additional work periods before being released for  
 6 a rest period of at least 8 hours.

7 “(3) For railroad carriers providing commuter rail  
 8 passenger transportation, as defined in section 24102(5)  
 9 of this title, and with respect to train employees engaged  
 10 in such transportation, this subsection shall take effect 90  
 11 days after the date of the enactment of the Railroad Safe-  
 12 ty Reform Act of 1997. For railroad carriers other than  
 13 those providing such commuter rail passenger transpor-  
 14 tation, and for train employees engaged in other forms of  
 15 railroad transportation, this subsection shall take effect 2  
 16 years after the date of the enactment of the Railroad Safe-  
 17 ty Reform Act of 1997.”.

18 **SEC. 303. LIMITATIONS ON DUTY HOURS OF SIGNAL EM-**  
 19 **PLOYEES.**

20 Section 21104(b)(3) of title 49, United States Code,  
 21 is amended by striking “, except that up to” and all that  
 22 follows through “time off duty”.

23 **SEC. 304. EMPLOYEE SLEEPING QUARTERS.**

24 Section 21106 of title 49, United States Code, is  
 25 amended—

1           (1) by inserting “(a) GENERAL RULE.—” be-  
2       fore “A railroad carrier”;

3           (2) by striking “officers and agents” and all  
4       that follows through “may provide” and inserting in  
5       lieu thereof “officers and agents may provide”;

6           (3) by striking “under the control of the car-  
7       rier”;

8           (4) by striking “; and” and inserting in lieu  
9       thereof a period; and

10          (5) by striking paragraph (2) and inserting in  
11       lieu thereof the following new subsections:

12       “(b) LOCATION.—Effective January 1, 1998, sleep-  
13       ing quarters referred to in subsection (a) shall not be lo-  
14       cated in an area or in the immediate vicinity of an area,  
15       as determined under regulations prescribed by the Sec-  
16       retary of Transportation, in which railroad switching or  
17       humping operations are performed.

18       “(c) MAXIMUM NOISE LEVELS.—The Secretary, in  
19       prescribing regulations under this section, shall set maxi-  
20       mum noise levels which may be experienced in sleeping  
21       quarters. Such levels shall be based in part on single event  
22       noise levels.”.

1 **SEC. 305. ROTATING SHIFTS.**

2 (a) AMENDMENT.—Chapter 211 of title 49, United  
3 States Code, is amended by adding at the end the follow-  
4 ing new section:

5 **“§ 21109. Rotating shifts**

6 “(a) GENERAL RULE.—Except as provided in sec-  
7 tions 21103(c), 21104(c), and 21105(d), a railroad carrier  
8 and its officers and agents may not require or allow an  
9 employee to report for duty to begin an 8-hour shift which  
10 begins at a time that is more than 4 hours earlier or more  
11 than 6 hours later than the time of day when that em-  
12 ployee, within the previous 72 hours, began a prior 8-hour  
13 shift.

14 “(b) DETERMINING TIME ON DUTY.—For purposes  
15 of this section, the rules for determining time on duty stat-  
16 ed in sections 21103(b), 21104(b), and 21105(c), as ap-  
17 propriate, shall apply.

18 “(c) STUDY OF ALTERNATIVE METHODS.—The Sec-  
19 retary of Transportation shall initiate a study of alter-  
20 native methods of preventing fatigue due to rotating  
21 shifts, and shall report to the Congress on the results of  
22 such study, including proposals for revising chapter 211  
23 of this title, as results become available.

24 “(d) DEFINITION.—For purposes of this section, the  
25 term ‘8-hour shift’ means a period during which an em-  
26 ployee is on duty for 8 consecutive hours or longer.”.

1 (b) CONFORMING AMENDMENT.—The table of sec-  
 2 tions for chapter 211 of title 49, United States Code, is  
 3 amended by adding at the end the following new item:

“21109. Rotating shifts.”.

4 **SEC. 306. TRAIN DISPATCHERS.**

5 Section 21101(2) of title 49, United States Code, is  
 6 amended to read as follows:

7 “(2) ‘dispatching service employee’ means an  
 8 operator, train dispatcher, supervisory train dis-  
 9 patcher, power director, or other train employee  
 10 who—

11 “(A) by the use of an electrical or mechan-  
 12 ical device dispatches, reports, transmits, re-  
 13 ceives, or delivers orders related to or affecting  
 14 train movements;

15 “(B) directly supervises an employee who  
 16 carries out responsibilities described in subpara-  
 17 graph (A); or

18 “(C) dispatches trains through control of  
 19 third rail or pantographic electrical power.”.

20 **SEC. 307. FATIGUE MANAGEMENT PLANS.**

21 (a) AMENDMENT.—Section 21108 of title 49, United  
 22 States Code, is amended to read as follows:

23 **“§ 21108. Fatigue management plans**

24 “(a) REQUIREMENT.—Not later than 1 year after the  
 25 date of the enactment of the Railroad Safety Reform Act

1 of 1997, the Secretary of Transportation shall prescribe  
2 regulations requiring railroad carriers to develop and im-  
3 plement fatigue management plans. These plans shall be  
4 developed by the railroad carriers, in consultation with  
5 their employees and with representatives of organizations  
6 of their employees, and submitted to the Secretary for the  
7 Secretary's approval. If a railroad carrier does not submit  
8 a plan, or if the railroad carrier's plan is not approved  
9 by the Secretary, the Secretary shall prescribe a plan for  
10 the railroad carrier.

11       “(b) PURPOSE.—Each fatigue management plan  
12 shall be designed to reduce the fatigue experienced by rail-  
13 road employees and to reduce the likelihood of accidents  
14 and injuries caused by fatigue. Each plan shall take into  
15 account the varying circumstances of operations by the  
16 railroad carrier on different parts of its system, and shall  
17 prescribe appropriate fatigue countermeasures to address  
18 those varying circumstances.

19       “(c) WAIVER.—A railroad carrier may request, as  
20 part of its proposed fatigue management plan, the waiver  
21 of any provisions of this chapter that would prevent the  
22 plan from achieving the objective of reducing fatigue and  
23 enhancing safety. The Secretary is authorized to waive any  
24 provision of this chapter if a waiver is requested by the  
25 railroad carrier and if the railroad carrier demonstrates,



1 to the Secretary's satisfaction, that the waiver is essential  
2 to achieving the objectives of reducing fatigue and enhanc-  
3 ing safety. No waiver shall be approved unless the Sec-  
4 retary makes a finding that the waiver permits procedures  
5 that reduce fatigue and enhance safety, and which would  
6 not be possible without the waiver.”.

7 (b) CONFORMING AMENDMENT.—The item relating  
8 to section 21108 is the table of sections of chapter 211  
9 of title 49, United States Code, is amended to read as  
10 follows:

“21108. Fatigue management plans.”.

11 **SEC. 308. RECOMMENDATIONS ON HOURS OF SERVICE**  
12 **CHANGES.**

13 The Railroad Safety Advisory Committee shall con-  
14 vene a working group to consider what legislative changes  
15 might be appropriate to chapter 211 of title 49, United  
16 States Code, relating to hours of service. Not later than  
17 9 months after the date of the enactment of this Act, the  
18 Advisory Committee shall report to the Administrator of  
19 the Federal Railroad Administration on whether it has  
20 reached consensus on any recommended changes, and if  
21 so what they are. The Administrator shall transmit the  
22 recommendations of the Advisory Committee to the Con-  
23 gress. If the Advisory Committee has not reached consen-  
24 sus on any recommendations, the Administrator shall, not  
25 later than 6 months after receiving the report of the Advi-

1 sory Committee, transmit to the Congress the Administra-  
 2 tor’s recommendations for appropriate legislative changes  
 3 to such chapter 211.

## 4 **TITLE IV—PASSENGER SERVICE** 5 **SAFETY STANDARDS**

### 6 **SEC. 401. EMERGENCY WINDOWS AND DOORS.**

7 Section 20133 of title 49, United States Code, is  
 8 amended by adding at the end the following new sub-  
 9 section:

10 “(e) EMERGENCY WINDOWS AND DOORS.—(1) After  
 11 January 1, 2000, all railroad cars, including self-propelled  
 12 cars, used for providing transportation for members of the  
 13 general public shall—

14 “(A) have emergency windows installed in at  
 15 least one half of their window locations;

16 “(B) have emergency windows or emergency  
 17 panels in each of their interior and exterior doors;

18 “(C) have emergency doors at each exterior and  
 19 interior door location; and

20 “(D) adjacent to each emergency window, emer-  
 21 gency panel, and emergency door, have—

22 “(i) on the exterior car surface,  
 23 retroreflective signage; and

24 “(ii) on the interior car surface, fluores-  
 25 cent signage,

1 clearly marking the emergency window, emergency  
 2 panel, or emergency door and containing easily un-  
 3 derstood instructions on the operation of the emer-  
 4 gency window, emergency panel, or emergency door.

5 “(2) For purposes of this subsection—

6 “(A) the term ‘emergency door’ means a door  
 7 with an easily accessible interior quick-release mech-  
 8 anism allowing the door to be opened quickly in an  
 9 emergency without tools;

10 “(B) the term ‘emergency panel’ means an  
 11 opaque panel designed to permit rapid and easy re-  
 12 moval for passenger escape in an emergency without  
 13 tools; and

14 “(C) the term ‘emergency window’ means a  
 15 window designed to permit rapid and easy removal  
 16 for passenger escape in an emergency without tools.

17 “(3) This subsection shall not apply to railroad cars  
 18 used by tourist, excursion, scenic, or historic railroads that  
 19 are not part of the general system of railroad transpor-  
 20 tation and that do not operate at speeds in excess of 30  
 21 miles per hour.”.

22 **SEC. 402. PASSENGER RAILROAD SIGNAL SYSTEMS.**

23 (a) AMENDMENT.—(1) Section 20502 of title 49,  
 24 United States Code, is amended by adding at the end the  
 25 following new subsection:

1       “(c) PASSENGER RAILROAD SIGNALS.—Each rail-  
2 road line on which passenger service operates, except lines  
3 where automatic train stop or cab signaling equipment is  
4 in use for all passenger service, shall have installed ap-  
5 proach and stop signals such that at least one approach  
6 signal intervenes between a passenger station stop and a  
7 subsequent stop signal.”.

8       (2) The amendment made by paragraph (1) shall  
9 take effect January 1, 1999.

10       (b) STUDY.—The Secretary of Transportation shall,  
11 within 1 year after the date of the enactment of this Act,  
12 transmit to the Congress a report on the results of a study  
13 of the safety implications of signal systems and their  
14 placement. In conducting the study, the Secretary shall  
15 consult with representatives of railroad labor, railroad  
16 management, and railroad equipment manufacturers.  
17 After transmitting the report, the Secretary shall initiate  
18 appropriate rulemaking proceedings under chapter 205 of  
19 title 49, United States Code, to implement the rec-  
20 ommendations made in the report.

21 **SEC. 403. PASSENGER LOCOMOTIVE FUEL TANKS.**

22       (a) AMENDMENT.—Chapter 207 of title 49, United  
23 States Code, is amended by adding at the end the follow-  
24 ing new section:

1 **“§ 20704. Passenger locomotive fuel tanks**

2       “(a) REQUIREMENTS.—Any locomotive manufac-  
3       tured after the date of the enactment of the Railroad Safe-  
4       ty Reform Act of 1997, and delivered to a railroad carrier  
5       on or after January 1, 1999, for use on passenger trains,  
6       except for a locomotive intended primarily for yard switch-  
7       ing purposes, shall—

8               “(1) be equipped with fuel tanks that are inter-  
9       nal and compartmentalized;

10              “(2) be equipped with internal fuel tank bulk-  
11       heads and skin that are either  $\frac{3}{8}$  inch steel plate  
12       with 25,000-pound yield strength or another mate-  
13       rial of equivalent strength; and

14              “(3) have fuel tank vent systems that are de-  
15       signed to prevent those systems from becoming a  
16       path of fuel loss in the event the tank is placed in  
17       an abnormal orientation due to a locomotive derail-  
18       ing.

19       “(b) DEFINITIONS.—For purposes of this section—

20              “(1) the term ‘compartmentalized’ means hav-  
21       ing an interior divided into at least 4 separate com-  
22       partments designed so that penetration of the exte-  
23       rior skin of any 1 compartment shall result in loss  
24       of fuel only from that compartment; and

25              “(2) the term ‘internal’ means having its lowest  
26       point at least 18 inches above the lowest point on

1 the locomotive wheel tread, and being enclosed by, or  
 2 part of, the locomotive structure.”.

3 (b) CONFORMING AMENDMENT.—The table of sec-  
 4 tions for chapter 207 of title 49, United States Code, is  
 5 amended by adding at the end the following new item:

“20704. Passenger locomotive fuel tanks.”.

6 **SEC. 404. PASSENGER CAR CRASHWORTHINESS.**

7 Section 20133 of title 49, United States Code, as  
 8 amended by section 401 of this Act, is further amended  
 9 by adding at the end the following new subsection:

10 “(f) CRASHWORTHINESS.—(1) Any railroad pas-  
 11 senger car, including a self-propelled car, manufactured  
 12 after the date of the enactment of the Railroad Safety Re-  
 13 form Act of 1997, and delivered to a railroad carrier on  
 14 or after January 1, 1999, shall be equipped with corner  
 15 posts—

16 “(A) extending from the underframe structure  
 17 to the roof structure; and

18 “(B) capable of resisting a horizontal load (with  
 19 an orientation ranging from longitudinal inward to  
 20 transverse inward) of 150,000 pounds at the point  
 21 of attachment to the underframe without a failure.

22 “(2) Any railroad passenger car, including a self-pro-  
 23 pelled car, used by a railroad carrier after January 1,  
 24 2001, shall be equipped with corner posts described in  
 25 paragraph (1)(A) and (B). This paragraph shall not apply

1 to railroad passenger cars used by tourist, excursion, see-  
2 nic, or historic railroads that are not part of the general  
3 system of railroad transportation and that do not operate  
4 at speeds in excess of 30 miles per hour.”.

5 **SEC. 405. POSITIVE TRAIN CONTROL.**

6 (a) AMENDMENTS.—Section 20150 of title 49, Unit-  
7 ed States Code, is amended—

8 (1) by striking “**PROGRESS REPORT**” in the  
9 section heading;

10 (2) by inserting “(a) PROGRESS REPORT.—”  
11 before “The Secretary of Transportation”; and

12 (3) by adding at the end the following new sub-  
13 section:

14 “(b) SCHEDULE FOR IMPLEMENTATION.—(1) The  
15 Secretary shall—

16 “(A) before March 31, 1998—

17 “(i) develop a model for assessing the risks  
18 associated with accident or injury on railroad  
19 corridors;

20 “(ii) compile data on each railroad corridor  
21 to enable the application of the model developed  
22 under clause (i); and

23 “(iii) rank railroad corridors on the basis  
24 of their risks associated with accident or injury;

1           “(B) before October 1, 1998, identify high-pri-  
2           ority railroad corridors the Secretary will require to  
3           be equipped with positive train control systems,  
4           which shall include, at a minimum, all railroad lines  
5           on which more than 42 regularly scheduled pas-  
6           senger trains per week operate and all railroad lines  
7           on which more than 2,500,000 tons of hazardous  
8           materials are transported each year; and

9           “(C) before October 1, 1999, issue regulations  
10          establishing standards for the use of positive train  
11          control systems and requiring their use on high-pri-  
12          ority railroad corridors by no later than September  
13          30, 2001.

14          “(2) For purposes of this subsection—

15               “(A) the term ‘passenger train’ does not include  
16               trains operated by tourist, excursion, scenic, or his-  
17               toric railroads that are not part of the general sys-  
18               tem of railroad transportation and that do not oper-  
19               ate at speeds in excess of 30 miles per hour; and

20               “(B) the term ‘positive train control system’  
21               means a system for automatically controlling the  
22               speed of or stopping a train to prevent collisions, en-  
23               force speed restrictions, and protect roadway work-  
24               ers and their equipment in the event that the train  
25               operator has failed to take appropriate action.”.



1 (b) CONFORMING AMENDMENT.—The item relating  
 2 to section 20150 in the table of sections for subchapter  
 3 II of chapter 201 of title 49, United States Code, is  
 4 amended by striking “progress report”.

5 **TITLE V—EMPLOYEE AUTHOR-**  
 6 **ITY, CERTIFICATION, AND**  
 7 **EQUIPMENT**

8 **SEC. 501. EMPLOYEE RESPONSE TO HAZARDOUS CONDI-**  
 9 **TIONS.**

10 (a) REFUSING TO WORK OR TO AUTHORIZE EQUIP-  
 11 MENT USE.—Section 20109(b)(1) of title 49, United  
 12 States Code, is amended—

13 (1) by striking “REFUSING TO WORK BECAUSE  
 14 OF” in the subsection heading;

15 (2) by inserting “or against an employee re-  
 16 sponsible for the inspection or repair of safety-relat-  
 17 ed equipment, track, or structures for refusing to  
 18 authorize the use of such equipment, track, or struc-  
 19 tures when the employee believes that the equip-  
 20 ment, track, or structures are in a hazardous condi-  
 21 tion and that the use of the equipment, track, or  
 22 structures would endanger human life,” after “per-  
 23 formance of the employee’s duties,”;

24 (3) by inserting “and” after the semicolon at  
 25 the end of subparagraph (A); and

1           (4) by striking subparagraphs (B) and (C) and  
2           inserting in lieu thereof the following new subpara-  
3           graph:

4           “(B) the employee, where possible, has notified  
5           the carrier of the existence of the hazardous condi-  
6           tion and the intention not to perform further work  
7           or not to authorize the use of the hazardous equip-  
8           ment, track, or structures, unless the condition is  
9           corrected immediately or the equipment is repaired  
10          properly or replaced.”.

11          (b) DISPUTE RESOLUTION.—Section 20109(d) of  
12          title 49, United States Code, as so redesignated by section  
13          109(a)(1) of this Act, is amended—

14                (1) by striking “180 days” and inserting in lieu  
15                thereof “60 days”; and

16                (2) by striking “If the violation is” and all that  
17                follows through “\$20,000.” and inserting in lieu  
18                thereof the following: “If the employee has been  
19                found by such Board, division, delegate, or board of  
20                adjustment to have been discharged or discriminated  
21                against in violation of subsection (b), the employee  
22                shall be made whole, including reinstatement, with  
23                an award of back pay, and with all benefits and ac-  
24                cumulated seniority. The employee may also be

1 awarded punitive damages sufficient to deter the  
 2 railroad carrier from such conduct in the future.”.

3 **SEC. 502. CERTIFICATION OF LOCOMOTIVE ENGINEERS**  
 4 **AND OTHER SAFETY-RELATED RAILROAD**  
 5 **PERSONNEL.**

6 (a) AMENDMENT.—Section 20135 of title 49, United  
 7 States Code, is amended to read as follows:

8 **“§ 20135. Certification of locomotive engineers and**  
 9 **other safety-related railroad personnel**

10 “(a) IN GENERAL.—The Administrator of the Fed-  
 11 eral Railroad Administration shall establish a program for  
 12 issuing certificates for—

- 13 “(1) carmen;
- 14 “(2) conductors;
- 15 “(3) dispatchers;
- 16 “(4) locomotive engineers;
- 17 “(5) signalmen;
- 18 “(6) track inspectors; and
- 19 “(7) trainmen,

20 to individuals when the Administrator finds, after inves-  
 21 tigation, that the individuals are qualified for, and phys-  
 22 ically able to perform the duties related to, the position  
 23 to be authorized by the certificates. After January 1,  
 24 2000, no person shall carry out the responsibilities of the  
 25 carman, conductor, dispatcher, locomotive engineer, sig-

1   nalman, track inspector, or trainman unless that person  
2   has been certificated for that position by the Adminis-  
3   trator.

4       “(b) GENERAL QUALIFICATIONS.—The program es-  
5   tablished under subsection (a)—

6           “(1) shall provide qualification standards and  
7       minimum training requirements for each type of po-  
8       sition described in subsection (a); and

9           “(2) shall require comprehensive knowledge of  
10      applicable railroad carrier operating practices and  
11      rules.

12      “(c) LOCOMOTIVE ENGINEERS.—

13           “(1) QUALIFICATIONS.—The program estab-  
14      lished under subsection (a), in the case of certifi-  
15      cation of a locomotive engineer—

16           “(A) except as provided in paragraph  
17           (2)(A), shall require consideration, to the extent  
18           the information is available, of the motor vehi-  
19           cle driving record of each individual seeking  
20           certification, including—

21           “(i) any denial, cancellation, revoca-  
22           tion, or suspension of a motor vehicle oper-  
23           ator’s license by a State for cause within  
24           the prior 5 years; and

1 “(ii) any conviction within the prior 5  
2 years of an offense described in section  
3 30304(a)(3)(A) or (B) of this title;

4 “(B) may require, based on the individ-  
5 ual’s driving record, disqualification or the  
6 granting of a certificate conditioned on require-  
7 ments the Administrator prescribes; and

8 “(C) shall require an individual seeking  
9 certification—

10 “(i) to request the chief driver licens-  
11 ing official of each State in which the indi-  
12 vidual has held a motor vehicle operator’s  
13 license within the prior 5 years to provide  
14 information about the individual’s driving  
15 record to the individual’s employer, pro-  
16 spective employer, or the Administrator, as  
17 the Administrator requires; and

18 “(ii) to make the request provided for  
19 in section 30305(b)(4) of this title for in-  
20 formation to be sent to the individual’s em-  
21 ployer, prospective employer, or the Ad-  
22 ministrator, as the Administrator requires.

23 “(2) WAIVERS.—(A) The Administrator shall  
24 prescribe standards and establish procedures for  
25 waiving paragraph (1)(A) for an individual or class

1 of individuals who the Administrator decides are not  
2 currently unfit to operate a locomotive. However, the  
3 Administrator may waive paragraph (1)(A) for an  
4 individual or class of individuals with a conviction,  
5 cancellation, revocation, or suspension described in  
6 subparagraph (B)(i) or (ii) only if the individual or  
7 class, after the conviction, cancellation, revocation,  
8 or suspension, successfully completes a rehabilitation  
9 program established by a railroad carrier or ap-  
10 proved by the Administrator.

11 “(B) If an individual, after the conviction, can-  
12 cellation, revocation, or suspension, successfully com-  
13 pletes a rehabilitation program established by a rail-  
14 road carrier or approved by the Administrator, the  
15 individual may not be denied a certificate under  
16 paragraph (1)(A) because of—

17 “(i) a conviction for operating a motor ve-  
18 hicle when under the influence of, or impaired  
19 by, alcohol or a controlled substance; or

20 “(ii) the cancellation, revocation, or sus-  
21 pension of the individual’s motor vehicle opera-  
22 tor’s license for operating a motor vehicle when  
23 under the influence of, or impaired by, alcohol  
24 or a controlled substance.

1           “(3) OPPORTUNITY TO EXAMINE AND COMMENT  
2           ON INFORMATION.—The Administrator, employer, or  
3           prospective employer, as appropriate, shall make in-  
4           formation obtained under paragraph (1)(C) available  
5           to the individual. The individual shall be given an  
6           opportunity to comment in writing about the infor-  
7           mation. Any comment shall be included in any  
8           record or file maintained by the Administrator, em-  
9           ployer, or prospective employer that contains infor-  
10          mation to which the comment is related.

11          “(d) DELEGATION.—

12               “(1) IN GENERAL.—Subject to any regulations,  
13               supervision, and review the Administrator may pre-  
14               scribe, the Administrator may delegate, to a quali-  
15               fied private person or an employee under the super-  
16               vision of that person, a matter related to—

17                       “(A) the examination, testing, and inspec-  
18                       tion necessary to issue a certificate under this  
19                       section; and

20                       “(B) issuing the certificate.

21               “(2) RESCISSION.—The Administrator may re-  
22               scind a delegation under this section at any time for  
23               any reason the Administrator considers appropriate.

24               “(3) RECONSIDERATION.—A person affected by  
25               an action of a person to whom responsibilities have

1       been delegated under this subsection may apply for  
2       reconsideration of the action by the Administrator,  
3       and, on the Administrator’s own initiative, the Ad-  
4       ministrator may reconsider the action of such a per-  
5       son at any time. If the Administrator decides on re-  
6       consideration that the action is unreasonable or un-  
7       warranted, the Administrator shall change, modify,  
8       or reverse the action. If the Administrator decides  
9       that the action is warranted, the Administrator shall  
10      affirm the action.

11      “(e) SUSPENSION OR REVOCATION.—

12              “(1) AUTHORITY.—The Administrator may re-  
13      view the certification of any employee holding a cer-  
14      tificate under this section. The Administrator may  
15      suspend or revoke a certificate issued under this sec-  
16      tion if—

17                  “(A) the employee, in the course of rail-  
18      road employment, has engaged in or authorized  
19      a practice that endangers human life, including  
20      authorizing the use of unsafe equipment or  
21      track; or

22                  “(B) the Administrator decides after re-  
23      viewing the actions or qualifications of the em-  
24      ployee that railroad safety and the public inter-  
25      est require such a suspension or revocation.



1       The length of a suspension shall be at the discretion  
2       of the Administrator. In determining the length of a  
3       suspension, the Administrator shall take into ac-  
4       count the seriousness of the unsafe practice and the  
5       employee's past safety record.

6               “(2) PROCEDURES.—Before acting to suspend  
7       or revoke a certificate, the Administrator shall ad-  
8       vise the holder of the certificate of the charges or  
9       other reasons on which the Administrator relies for  
10      the proposed action. Except in an emergency, the  
11      Administrator shall provide the holder of the certifi-  
12      cate with an opportunity to answer the charges and  
13      to be heard on why the certificate should not be sus-  
14      pended or revoked. Except as provided in paragraph  
15      (3), the action of the Administrator suspending or  
16      revoking a certificate shall be stayed pending the  
17      outcome of an appeal under subsection (f).

18              “(3) EMERGENCIES.—If the Administrator de-  
19      termines that an emergency exists and that railroad  
20      safety requires that a suspension or revocation be ef-  
21      fective immediately, then the Administrator's action  
22      shall be effective immediately.

23              “(f) APPEALS.—The Administrator shall establish an  
24      appropriate procedure through which a person adversely  
25      affected by—

1           “(1) an action denying a certificate under this  
2       section; or

3           “(2) an order suspending or revoking a certifi-  
4       cate under subsection (e),

5       may appeal such action or order. If a finding is made  
6       under that appeals procedure, after notice and an oppor-  
7       tunity for a hearing, that railroad safety and the public  
8       interest do not require affirmation of the original action  
9       or order, the Administrator shall amend, modify, or re-  
10      verse that action or order.

11      “(g) CERTIFICATION OF SAFETY.—

12           “(1) BY A CARMAN.—(A) No locomotive, rail-  
13      road car, or train shall depart its initial terminal  
14      until it has been inspected and its safety has been  
15      certified in writing by a carman certificated under  
16      this section.

17           “(B) No locomotive, railroad car, or train shall  
18      be used or operated after it has been repaired or re-  
19      ported to have a defect potentially affecting safety  
20      until it has been inspected by a carman certificated  
21      under this section and its safety has been subse-  
22      quently certified in writing by that carman. A safety  
23      certification made under this subparagraph may be  
24      made conditional on the locomotive, railroad car, or

1 train being repaired at the first practical oppor-  
2 tunity.

3 “(2) BY A SIGNALMAN.—(A) No signal system  
4 shall be used to signal that a train may proceed or  
5 to control the movement of automobiles at grade  
6 crossings unless its safety has been certified in writ-  
7 ing within the past year by a signalman certificated  
8 under this section.

9 “(B) No signal system shall be used to signal  
10 that a train may proceed or to control the movement  
11 of automobiles at grade crossings after that signal  
12 system has been repaired or reported to have a de-  
13 fect potentially affecting safety until it has been in-  
14 spected by a signalman certificated under this sec-  
15 tion and its safety has been subsequently certified in  
16 writing by that signalman.

17 “(3) BY A TRACK INSPECTOR.—(A) No track  
18 shall be used to operate locomotives, railroad cars,  
19 or trains unless the safety of that track has been  
20 certified in writing within the past year by a track  
21 inspector certificated under this section.

22 “(B) No track shall be used after it has been  
23 repaired or reported to have a defect potentially af-  
24 fecting safety until it has been inspected by a track  
25 inspector certificated under this section and its safe-

1       ty for its anticipated use has been subsequently cer-  
2       tified in writing by that track inspector.

3       “(h) AUTHORITY TO REFUSE TO OPERATE TRAINS  
4 OR LOCOMOTIVES.—A locomotive engineer may refuse to  
5 operate a train or locomotive if that locomotive engineer  
6 is not satisfied that the train or locomotive can be oper-  
7 ated safely.

8       “(i) DEFINITIONS.—For purposes of this section—

9               “(1) the term ‘carman’ means a railroad em-  
10       ployee who inspects, tests, maintains, and repairs  
11       brakes, other mechanical systems and components,  
12       and safety appliances on railroad cars or loco-  
13       motives;

14              “(2) the term ‘conductor’ means a railroad road  
15       or yard employee who is in charge of a train’s pas-  
16       sengers or freight;

17              “(3) the term ‘dispatcher’ means an operator,  
18       train dispatcher, supervisory train dispatcher, power  
19       director, or other train employee who—

20               “(A) by the use of an electrical or mechan-  
21       ical device dispatches, reports, transmits, re-  
22       ceives, or delivers orders related to or affecting  
23       train movements;

1           “(B) directly supervises an employee who  
2           carries out responsibilities described in subpara-  
3           graph (A); or

4           “(C) dispatches trains through control of  
5           third rail or pantographic electrical power;

6           “(4) the term ‘locomotive engineer’ means an  
7           operator of a locomotive other than—

8           “(A) a person who operates a locomotive  
9           solely within the confines of a locomotive repair  
10          or servicing area; and

11          “(B) a person who operates a locomotive  
12          for short distances for inspection and mainte-  
13          nance purposes;

14          “(5) the term ‘signalman’ means a railroad em-  
15          ployee who installs, repairs, and maintains signal  
16          systems;

17          “(6) the term ‘track inspector’ means a railroad  
18          employee whose sole responsibility is to inspect  
19          track, report on its condition, and authorize its use  
20          by locomotives, railroad cars, and trains; and

21          “(7) the term ‘trainman’ means a railroad road  
22          or yard employee who is under the supervision of a  
23          conductor.”.

24          (b) CONFORMING AMENDMENT.—The item relating  
25          to section 20135 in the table of sections for chapter 201

1 of title 49, United States Code, is amended to read as  
 2 follows:

“20135. Certification of locomotive engineers and other safety-related railroad  
 personnel.”.

3 (c) EFFECT OF AMENDMENT.—Notwithstanding the  
 4 amendment made by subsection (a), the requirements for  
 5 licensing or certification of locomotive operators under sec-  
 6 tion 20135 of title 49, United States Code, as in effect  
 7 before the date of the enactment of this Act, shall continue  
 8 in effect until the program established under the amend-  
 9 ment made by subsection (a) takes effect.

10 **SEC. 503. COMMUNICATIONS DEVICES.**

11 (a) AMENDMENT.—Subchapter II of chapter 201 of  
 12 title 49, United States Code, is amended by adding at the  
 13 end the following new section:

14 **“§ 20154. Communications devices**

15 “(a) REQUIRED EQUIPMENT.—Each—

16 “(1) locomotive or cab-forward passenger car  
 17 from which a train is operated; and

18 “(2) roadway work group or lone roadway  
 19 worker, when working along a railroad’s right-of-  
 20 way,

21 shall be equipped with an operational radio or other device  
 22 that permits 2-way communication with the railroad’s dis-  
 23 patcher or other supervisory official who is able to commu-

1 nicate with the railroad’s locomotive operators and road-  
 2 way workers.

3 “(b) OPERABILITY.—A train may not leave its initial  
 4 terminal, and a roadway work group or lone roadway  
 5 worker may not leave their base of operations, without—

6 “(1) an operable device described in subsection  
 7 (a); and

8 “(2) a backup operable device described in sub-  
 9 section (a) for use in the event that the device de-  
 10 scribed in paragraph (1) of this subsection fails to  
 11 operate.

12 If either such device becomes inoperable after leaving the  
 13 initial terminal, such device shall be promptly repaired or  
 14 replaced.

15 “(c) DEFINITIONS.—For purposes of this section—

16 “(1) the term ‘roadway work group’ means 2 or  
 17 more roadway workers working together on a com-  
 18 mon task who are in direct communication with each  
 19 other; and

20 “(2) the term ‘roadway worker’ means an em-  
 21 ployee of a railroad, or of a contractor to a railroad,  
 22 including a maintenance-of-way worker or a signal-  
 23 man, who is working on or near railroad track.”.

24 (b) CONFORMING AMENDMENT.—The table of sec-  
 25 tions for subchapter II of chapter 201 of title 49, United

1 States Code, is amended by adding at the end the follow-  
2 ing new item:

“20154. Communications devices.”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect 6 months after the date of  
5 the enactment of this Act.

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